

REMARKS

Claim Status

Claims 5-7, 9-11, 13 and 18-20 are pending in the present application.

Rejection Under 35 U.S.C. §103(a) Over U.S. Pat. No. 2007/0083182 (Schoelling) in  
view of *Smallfolk.com*

Claims 5-7, 9-11, 13 and 18-20 have been rejected under 35 U.S.C. §103(a) as being obvious view of Schoelling and smallfolk.com. In the Office Action on page 3 it is alleged that Schoelling discloses "[I]ndividual depressions (140) having a tear shape (see cross section of fig. 3 [2] *infra* (shown below), which shows a tear-shaped depression when the tampon is viewed head on from the insertion end),...."

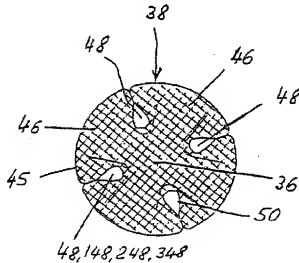


Fig. 3

Applicant respectfully traverses the rejection. Fig. 3 of Schoelling (shown above) shows a cross section of the tampon in FIGS. 1 (shown below), 9, and 10 according to

sectional line III-III with four longitudinal grooves which are closed on the outside and form collecting channels in the region of the security zone. (par. [0032]).

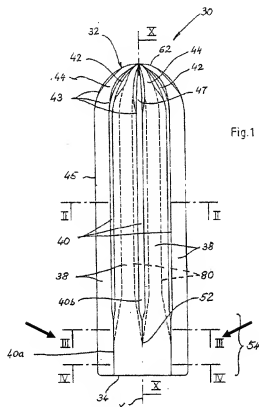


Fig.1

In contrast to the cross-sectional tear shapes of Schoelling, claim 13 of the present application claims a tampon comprising an outer surface, wherein a measured portion of said outer surface comprises a first surface area, wherein at least a portion of said first surface area comprises discretely spaced individual depressions having at least one shape, wherein said at least one shape is selected from the group consisting of ovals, circles, cones, squares, alphanumeric, animal shapes, trademarks, logos, foreign languages, kanji, ASCII, and mixtures thereof. As claimed in claim 13 and shown in Fig. 3 (below) the depressions 38 are disposed on the outer surface of the tampon, as compared to the cross-sectional tear shape of the grooves in Schoelling.

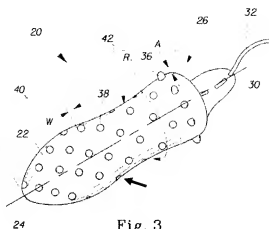


Fig. 3

Further, it is alleged that Schoelling in combination with smallfolk.com makes the present invention obvious. The Office Action on page 5 states, “Smallfolk.com employs a tear shaped logo. At the time of the invention, one of ordinary skill in the art in possession of both references would have recognized that the tear-shaped depressions of Schoelling were logo shaped.” Applicants respectfully disagree with this assertion as the logo mentioned in claim 13 of the present application is on the outer surface of the tampon. In contrast the tear shape of Schoelling, as mentioned in the Office Action, is not on the surface of a tampon and is only visible in a “cut” cross-section, as the cross-section is not visible when looking at the tampon outer surface. As discussed previously, Schoelling discloses this by stating FIG. 3 shows a cross section of the tampon in FIGS. 1, 9, and 10 according to sectional line III-III with four longitudinal grooves which are closed on the outside.... (par. [0032]). Logos are visual communications intended to be seen by a consumer, but the cross-sectionally tear shaped collecting channels of Schoelling are not visible, therefore one of ordinary skill in the art would not recognize the collecting channels as logos because they cannot be seen and therefore cannot communicate anything to a consumer.

Accordingly, Applicant submits that claims 5-7, 9-11, 13, and 18-20 are not obvious in view of Schoelling and smallfolk.com.

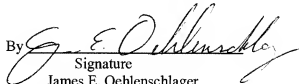
Appl. No. 10/719,786  
Docket No. 9431  
Amdt. dated 16 September 2008  
Reply to Office Action mailed on June 11, 2008  
Customer No. 27752

Conclusion

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied references. In view of the foregoing, reconsideration of this application, and allowance of the pending claims are respectfully requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

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Date: 16 September 2008  
Customer No. 27752